

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 431

PRINTER NO. 948

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 27, 2017

PRIME SPONSOR

Senator Scavello

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 431 amends Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, to increase fines and penalties for littering, to modify the disposition of fines, and to incorporate fines and penalties for commercial littering or hazardous waste.

Amendment to Title 18 - §6501 (b) (1) and (2) (relating to scattering rubbish):

- First Offense – A first offense of scattering rubbish remains a summary offense but the maximum fine amount (non-commercial purposes) is increased from \$300 to \$1,000 and requires the offender to pick up litter or illegally dumped trash for not less than five (5) nor more than forty (40) hours (must be completed within 6 months).
- Second and subsequent Offense – A second and subsequent offense of scattering rubbish remains a misdemeanor of the third degree (non-commercial purposes) but the fine amounts are changed from not less than \$300 nor more than \$1,000 to not less than \$100 nor more than \$2,000. The offender also may be sentenced to imprisonment or be required to pick up litter or illegally dumped trash for not less than forty (40) nor more than one hundred (100) hours (must be completed within one (1) year).
- Fines for a first offense shall be imposed as follows:
 - If the litter is 5 pounds or less or 9 cubic feet or less, the fine shall not be less than \$50 nor more than \$300;
 - If the litter is more than 5 pounds or 9 cubic feet, but less than 100 pounds or 25 cubic feet, the fine shall not be less than \$300 nor more than \$500; and
 - If the litter is more than 100 pounds or 25 cubic feet or more, the fine shall not be less than \$500 nor more than \$1,000.
- Fines for a second or subsequent offense shall be imposed as follows:
 - If the litter is 5 pounds or less or less than 9 cubic feet, the fine shall not be less than \$100 nor more than \$500;

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- If the litter is more than 5 pounds or 9 cubic feet, but less than 100 pounds or 25 cubic feet, the fine shall not be less than \$500 nor more than \$1,000;
- If the litter is more than 100 pounds or 25 cubic feet or more, the fine shall not be less than \$1,000 nor more than \$2,000; and
- If the litter is in any amount or volume of solid waste where the activity generating the litter or solid waste was for commercial purposes, or in any volume of hazardous waste, the fine shall not be less than \$1,000 nor more than \$2,000.

Amendment to Title 75 - §1317 (relating to acknowledgement of littering provisions):

- Updates the maximum fine amount printed on vehicle registration cards from \$300 to \$2,000.

Amendment to Title 75 - §1520 (relating to acknowledgement of littering provisions):

- Updates the maximum fine amount printed on learner's permit or driver's license application from \$300 to \$2,000.

Amendment to Title 75 - §3709 (d) (1) (relating to depositing waste and other material on highways, property or waters):

- Increases the fine for a summary offense of littering from a vehicle into the following agricultural areas as follows:
 - Increases the fine from \$900 to a fine of not less than \$900 nor more than \$1,500 for a violation which occurs in an agricultural easement; and
 - Increases the fine from \$600 to a fine of not less than \$600 nor more than \$1,200 for a violation which occurs in an agricultural security area.
- Updates the \$300 fine for a summary offense for littering (noncommercial purposes) from a vehicle into an area other than an agricultural area as follows:
 - \$100 for littering 5 pounds or less, or less than 9 cubic feet;
 - \$500 for littering more than 5 pounds or 9 cubic feet but less than 100 pounds or 25 cubic feet; and
 - \$1,000 for littering more than 100 pounds or 25 cubic feet or more.
- Updates the fines for the second and subsequent offenses of littering as follows:
 - \$500 for littering (noncommercial purposes) 5 pounds or less, or less than 9 cubic feet;
 - \$1,000 for littering (noncommercial purposes) more than 5 pounds or 9 cubic feet, but less than 100 pounds or 25 cubic feet; and
 - If the litter is more than 100 pounds or 25 cubic feet or in any amount or volume of solid waste where the activity generating the litter or solid waste was for commercial purposes, or in any volume of hazardous waste, the fine shall be \$2,000.

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- Requires two-thirds of any fine over \$300 for an offense that occurred in a county that has established a litter board or other related type of entity to administer solid waste management or facilitate litter abatement activities in the county to be transmitted to the litter board or other related type of entity. Requires the county commissioners to designate the recipient by submitting written correspondence to the Pennsylvania Department of Transportation (PennDOT) detailing the recipient's name, mailing address and description of services provided in support of solid waste management and any litter abatement activities; and the
- Allows the Department to continue to use existing reference to a fine of up to \$300 for a violation of Title 75, section 3709 until six months after the effective date of this section.

This act shall take effect in six months.

FISCAL IMPACT:

According to PennDOT, annual fine revenue generated as a result of convictions of Title 75 - §3709 (d) (1) (relating to depositing waste and other material on highways, property or waters) is approximately \$60,000. Assuming that fines would be increased by an average of 50%, this would generate an additional \$30,000 to the Commonwealth. PennDOT advises that it would incur one-time costs of approximately \$30,000 for computer system changes related to implementing this legislation. Costs related to updating forms, fact sheets, information modules and the Department's website are de minimis in the scope of the Department's budget and are assumed to be capable of being absorbed within existing fiscal resources.

According to data from the Administrative Office of Pennsylvania Courts (AOPC), monies assessed in 2016 for convictions under Title 18 - §6501 (b) (1) and (2) (relating to scattering rubbish) and Title 75 - §3709 (d) (1) (relating to depositing waste and other material on highways, property or waters) were as follows:

- Title 18 – \$323,058
- Title 75 – \$249,547

These totals include all convictions in Magisterial District Courts, Philadelphia Municipal Court and Courts of Common Pleas.

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Assuming that judges would impose increased fine amounts for the above mentioned violations, additional revenue generated would be as follows:

% of Increase:	Revenue under Current Law:	Additional Revenue under SB431:
25%	\$572,605	\$143,151
50%	\$572,605	\$286,302
75%	\$572,605	\$429,454